

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:06-CV-139-FL

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$32,120.00 IN U.S. CURRENCY

Defendant,

CHRISTOPHER J. RAKES,

Claimant.

)
)
)
)
)
)
)
)
)
)
)

ORDER

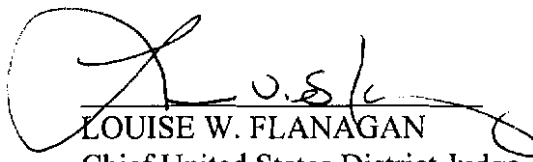
This matter is before the court on motion for summary judgment by the government (DE # 26), with benefit of memorandum and recommendation ("M&R") by United States Magistrate Judge William A. Webb. (DE # 34.) The M&R was filed on February 6, 2009. The time for filing objections to the M&R has now passed, with no objections filed by either party. In this posture, the issues raised are ripe for ruling.

In this civil action, the government seeks the forfeiture of United States currency pursuant to 21 U.S.C. § 881(a)(6). The government filed complaint for forfeiture *in rem* on March 28, 2006. Claimant, through counsel, filed a verified claim to the currency and answer to the complaint on June 21, 2007. The government filed motion for summary judgment on October 28, 2008, to which claimant did not respond.

The court has thoroughly reviewed the thoughtful M&R entered by the magistrate judge in this case, and considered the issues presented therein. The court finds the magistrate judge correctly

made findings of fact and analyzed the law regarding summary judgment and the government's burden in civil forfeiture actions. Therefore, the court hereby ADOPTS the recommendation of magistrate judge as its own, and, for the reasons stated in the M&R, the government's motion for summary judgment is GRANTED. The currency at issue is forfeited pursuant to 21 U.S.C. § 881(a)(6) and the United States Marshal is directed to dispose of the currency according to law.

SO ORDERED, this the 23rd day of March, 2009.


LOUISE W. FLANAGAN
Chief United States District Judge